



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 11, 1993

Mr. Jerry A. Carvajal  
City Manager  
City of Alpine  
309 West Sul Ross Avenue  
Alpine, Texas 79830

OR93-300

Dear Mr. Carvajal:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 19451.

The City of Alpine (the "city") has received a request for five categories of information relating to the city's finances. You advise us that you have or will make available most of the requested information. You object, however, to release of "[a]ny document or record which addresses the use of the City's cash accounts for loans etc., specifically any identification of cash usage by City employees." You have submitted this information to us for review. You claim that sections 3(a)(3) and 3(a)(8) of the Open Records Act except this information from required public disclosure.

Section 3(a)(8) of the act excepts

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

If a law enforcement agency still is actively investigating or prosecuting an incident involving allegedly criminal activity, any proper custodian of information may invoke section 3(a)(8) to protect information that relates to the incident. Open Records Decision No. 474 (1987) at 4-5.

You advise us that the information at issue here relates to a pending police department investigation. We have examined the documents submitted to us for review and conclude that section 3(a)(8) of the Open Records Act excepts them from required public disclosure. As we resolve this matter under section 3(a)(8), we need not address the applicability of section 3(a)(3) at this time.

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Kimberly K. Oltrogge  
Assistant Attorney General  
Opinion Committee

KKO/GCK/le

Ref.: ID# 19451

cc: J. D. McNamara  
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